

KERRY MILLER,

Plaintiff,

v.

**ALLEGHANY COUNTY BOARD OF
EDUCATION,**

Defendant.

12(b)(6). However, because [she] requested and was granted an extension of time to file her response, the court will consider the amended complaint timely and therefore permitted as a matter of course”); Jackson v. Merscorp Inc., 2013 WL 12190523, *1 (M.D.N.C. May 20, 2013) (same).

Plaintiff filed his “Motion for Leave to File Amended Complaint” (document #13) on April 17, 2020 within the extended time frame for responding to Defendant’s Motion. See Text-Only Order entered April 8, 2020. Accordingly, the amendment is as a matter of course and the Court will GRANT Plaintiff’s Motion.

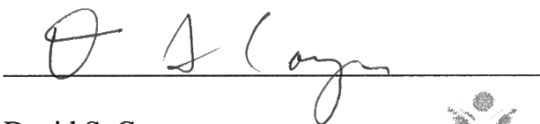
It is well settled that an amended pleading supersedes the original pleading and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s “Motion for Leave to File Amended Complaint” is **GRANTED**. Plaintiff shall file his First Amended Complaint within five days of this Order.
2. Defendant’s “Motion to Dismiss” (document #8) is administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Kenneth D. Bell.

SO ORDERED.

Signed: May 5, 2020



David S. Cayer
United States Magistrate Judge

